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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,053

10/21/2003

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D03085

3498

7590
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05/24/2007

EXAMINER

POWERS, WILLIAM S

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,053	Applicant(s) FOLK, ROBERT H.	
	Examiner William S. Powers	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/11/2007 have been fully considered but they are not persuasive.

As to Applicant's argument that "Reese does not disclose that any DVRC in the network of DVRCs is capable of determining if the requested content resides in itself and if the requested content does not reside in itself determining if the requested content resides in other DVRCs", Applicant is directed to paragraph 12 of Reese. A DVRC in the network of Reese can act as a master device and a slave device simultaneously. Thus, the master DVRC can issue a control signal to itself (Reese, paragraph 20), and display the selected video image whether it resides on the master DVRC or from other DVRs or DVRCs in the network (Reese, paragraph 23).

As to Applicant's argument that "Reese does not disclose storing the video data in a shared memory," the Examiner concedes that Reese does not use the term "shared memory". However, Reese does teach that video data is redundantly stored amongst the DVRCs and DVRs of the network in order to protect data in case a DVRC or DVR is damaged or disabled. In addition, the master DVRC has access to all hard drives of the

networked DVRCs and DVRs and can transfer data from one to another (Reese, paragraph 18).

Response to Amendment

2. In light of the cancellation of claim 9, the 35 USC 112, 2nd paragraph rejection of claim 9 is withdrawn.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the introduction of the new limitation "when the requested content does not reside on the first hard disk recorder" creates confusion as to when and where the requested content is encrypted. The Examiner believes the patent applications of Reese and Barton anticipate the limitations of claim 1 as currently written. If, however, the encryption of the requested content were more fully expressed, the Examiner would reconsider the limitations of the claim in light of Reese and Barton as long as it does not raise new issues that necessitate further consideration and search. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent Application 2002/0141732 to Reese et al. (hereinafter Reese) in view of US

Patent Application No. 2003/0095791 to Barton et al. (hereinafter Barton).

As to claim 1, Reese teaches:

- a. Receiving a request to view content on a first hard disk recorder (Reese, paragraph 21).
- b. Determining if the requested content resides on a second hard disk recorder when the requested content does not reside on the first hard disk recorder (A DVRC in the network of Reese can act as a master device and a slave device simultaneously. Thus, the master DVRC can issue a control signal to itself (Reese, paragraph 20), and display the selected video image whether it resides on the master DVRC or from other DVRs or DVRCs in the network (Reese, paragraph 23)).

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Reese decodes video content (Reese, paragraph 12), but does not expressly mention the encryption schemes. However, in an analogous art, Barton teaches:

- c. Decrypting the requested content via a local encryption scheme (Barton, paragraph 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the networked DVRs of Reese with the encryption scheme of Barton in order to protect video content from theft as suggested by Barton (Barton, paragraph 79).

Reese as modified further teaches:

- d. Displaying the requested content on a display device coupled to the first hard disk recorder (Reese, paragraph 20).

As to claim 2, Reese as modified teaches storing the requested content within a memory located within the first hard disk recorder (Reese, paragraph 13).

As to claim 3, Reese as modified teaches remotely accessing the requested content on the first hard disk recorder (master DVR can remotely control the slave DVRs) (Reese, paragraph 12).

7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0141732 to Reese et al. (hereinafter Reese) in view of US

Patent Application No. 2003/0095791 to Barton et al. (hereinafter Barton) in further view of US Patent Application No. 2003/0051151 to Asano et al. (hereinafter Asano).

As to claim 4, Reese as modified teaches:

- a. Receiving content on a first hard disk recorder from a content source (Reese, paragraph 20-21).

Reese decodes video content (Reese, paragraph 12), but does not expressly mention the encryption schemes. However, in an analogous art, Barton teaches:

- b. Decrypting the content (Barton, paragraph 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the networked DVRs of Reese with the encryption scheme of Barton in order to protect video content from theft as suggested by Barton (Barton, paragraph 79).

Reese as modified does not expressly mention re-encrypting received content. However, in an analogous art, Asano teaches:

- c. Re-encrypting the content utilizing a local encryption scheme (Asano, paragraph 15).

Therefore, it would have been obvious to implement the networked DVRs of Reese as modified with the re-encryption of received content of Asano in order to protect the license of the received content from being misused as suggested by Asano (Asano, paragraph 15).

Reese as modified further teaches:

- d. Storing the content in a shared memory (Reese, paragraph 13).

As to claim 5, Reese as modified teaches decrypting the content utilizing decryption keys received from the content source (certificate exchange) (Barton, paragraph 80).

As to claim 6, Reese as modified teaches storing the content in a shared memory located within the first hard disk recorder (Reese, paragraph 18).

As to claim 7, Reese as modified teaches storing the content in a shared memory located within a second hard disk recorder (Reese, paragraph 18).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers whose telephone number is 751 272 8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



5/22/2007

William S. Powers
Examiner
Art Unit 2134



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER